ZB# 94-41

Mani Inaganti

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Lest, 26, 1994.

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Quid 10/17/94

TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, NY 12550	ENERAL RECEIPT October 17 14312
Received of Vo R, and 1	Man M. Magantes 150.00 Fefty and 60/100 DOLLARS
For Joney Oriuses DISTRIBUTION: FUND CODE AN OBJET 842	By Dorothy W. Hansen
© WILLIAMSON LAW BOOK Co., VICTOR, N.Y. 14564	Town Clark Title

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APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Spaganti, Manu	FILE #964-41
RESIDENTIAL: \$50.00 COMMERCIA	L: \$150.00
APPLICATION FOR VARIANCE FEE	
* * * *	300.00 ,
ESCROW DEPOSIT FOR CONSULTANT FEES	***************************************
DISBURSEMENTS -	
STENOGRAPHER CHARGES: \$4.50 PER PAGE	
PRELIMINARY MEETING - PER PAGE 9/26/94.5 P. 2ND PRELIM. MEETING - PER PAGE 19/24/94.3 P. 3RD PRELIM. MEETING - PER PAGE	ages. \$ 13,50
ATTORNEY'S FEES: \$35.00 PER MEETING	
PRELIM. MEETING— HRS 9,24,44	\$ 35.00 \$ 35.00 \$ \$ \$ \$ \$ \$ \$ \$
TOTAL HRS @ \$ PER HR. TOTAL	L\$ 70.00.
MISC. CHARGES:	
TOTAL	\$ 106.00.
LESS ESCROW DI (ADDL. CHARGES REFUND TO APP)	S DUE) \$

(ZBA DISK#7-012192.FEE)

ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR -----X In the Matter of the Application of

MANI INAGANTI

DECISION GRANTING AREA VARIANCES.

#94-41.

WHEREAS, ETTA TRIFILO, 132 Old Temple Hill Road, New Windsor, New York 12553, owner, and MANI INAGANTI, 43 Jefferson Street, Highland Mills, New York 10930, contract vendee, have applied for 19,098 s.f. lot area, 44 ft. lot width, 27,83 ft. front yard (on Route 300), 3.5 ft. side yard and 9.17 ft. maximum building height, for a proposed doctor's office in the existing structure located between Old Temple Hill Road and Temple Hill Road in a C zone; and

WHEREAS, the applicants appeared by Nicholas Steyer, Paul V. Cuomo, P. E., and by the proposed owner of the property, Dr. Inaganti; and

WHEREAS, a public hearing was held on the 24th day of October, 1994; and

WHEREAS, there were no spectators present at the public hearing; and

WHEREAS, there was no opposition to the application before the Board; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

- 1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
 - 2. The evidence presented by the applicant showed that:
- (a) This is in an area containing both residences and commercial property. It was formerly a residence but has been becoming more commercial with commercial use of property now prevalent in the area.
- (b) Property is improved by a one-family building which is presently in place. The applicant proposes to renovate the building to provide offices for psychiatrists. In this proposal the area of the building would not change from that which is at present.
- (c) The proposed use of the building will permit traffic to enter from Temple Hill Road but requires that it exit on Old Temple Hill Road. This will ease the traffic congestion and impact although Temple Hill Road is an existing state highway which is adequate to handle the traffic in this area.
 - (d) Of the variances permitted, the lot area variance is

close to 50%. Of the lot width requirement, the variance sought is 4%. Of the front area variance, the front area variance which they request is 46.5%. The side yard variance request is 11.67%. The height variance requested is approximately 49%.

(e) The existing structure when renovated will be consistent with the neighborhood.

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WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

- 1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
- 2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.
- 3. Some of the variances requested are substantial but are nevertheless warranted since the structure is existing in the neighborhood and the variances requested, if granted, will not result in a change in the neighborhood.
- 4. The requested variances will not have an adverse impact or effect on the physical or environmental conditions in the neighborhood or zoning district.
- 5. The difficulty the applicant faces in conforming to the bulk regulations is not a self-created hardship in that the building already exists. It is a self-created hardship in the sense that the applicant seeks to use this existing building for a different purpose than that which it is presently implied for. It is the opinion of the Board that the variances requested should be granted because of the character of the neighborhood and variances will be necessary if the owner of this property will be able to alienate same for any use other than its present use.
- 6. It is the finding of this Board that the benefit to the applicant, if the requested area variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community by such grant.
- 7. It is the further finding of this Board that the requested area variances are the minimum variances necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- 8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT 19,098 s.f. lot area, 44 ft. lot width, 27.83

ft. front yard (Route 300), 3.5 ft. side yard and 9.17 maximum building height for a doctors office in the existing structure located between Old Temple Hill Road and Temple Hill Road in a C zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: January 23, 1995.

Chairman

(ZBA DISK#12-011695.MI)

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

I. Applicant Information: (a) TRIFITO, ETTA - 132 Old Temple Hill Rd., New Windsor, N.Y. 12553 x (Name, address and phone of Applicant) (Owner) (b) INACANII, V.R 43 Jefferson Street, Hichland Mills, N.Y. 10930 (Name, address and phone of purchaser or lessee) (c)			# 94-41
(a) TRIFILO, ETTA - 132 Old Temple Hill Rd., New Wirdsor, N.Y. 12553 x (Name, address and phone of Applicant) (Owner) (b) INAGANTI, V.R 43 Jefferson Street, Highland Mills, N.Y. 10930 (Name, address and phone of purchaser or lessee) (c)		Date:	09/30/94
(I.	 (a) TRIFILO, ETTA - 132 Old Temple Hill Rd., New Windsor, N.Y. (Name, address and phone of Applicant) (b) INAGANTI, V.R 43 Jefferson Street, Highland Mills, N.Y. 10 (Name, address and phone of purchaser or lessee) (c) - (Name, address and phone of attorney) 	(Owner) 930
(a) C 132 Old Temple Hill Rd., New Windsor 68-3-2 20,902 s.f (Zone) (Address) (S B L) (Lot size (b) What other zones lie within 500 ft.? None (c) Is a pending sale or lease subject to ZBA approval of this application? Yes (d) When was property purchased by present owner? 05/03/52 (e) Has property been subdivided previously? No (f) Has property been subject of variance previously? No If so, when? (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No (h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a IV. Use Variance. n/a (a) Use Variance requested from New Windsor Zoning Local Law, Section , Table of Regs., Col. to allow:	II.	(<u>x</u>) Use Variance (<u></u>) Sign Va	
(a) Use Variance requested from New Windsor Zoning Local Law, Section, Table of Regs., Col to allow:	III.	(a) C 132 Old Temple Hill Rd., New Windsor (8-3-2) (Zone) (Address) (S B L) (b) What other zones lie within 500 ft.? None (c) Is a pending sale or lease subject to ZBA approvation? Yes (d) When was property purchased by present owner? 05/0 (e) Has property been subdivided previously? No (f) Has property been subject of variance previously? If so, when? (g) Has an Order to Remedy Violation been issued again property by the Building/Zoning Inspector? No (h) Is there any outside storage at the property now of	l of this 3/52 No nst the
	IV.	(a) Use Variance requested from New Windsor Zoning Loc Section, Table of Regs., Col. to allow:	

		•.	2
n/a (b) The legal standard for a hardship. Describe why you feel to unless the use variance is granted have made to alleviate the hardship	unnecessary hards d. Also set fort	hip wil h any e	l result fforts you
(c) Applicant must fill out a Assessment Form (SEQR) with this a		Environ	mental
(d) The property in question County Agricultural District: Yes		within	1 500 ft. of a
If the answer is Yes, an agriculty along with the application as well within the Agricultural District : list from the Assessor's Office.	l as the names of	all pr	coperty owners
V. Area variance: (a) Area variance requested Section 48-12, Table of			
Requirements Min. Lot Area 40,000 s.f. Min. Lot Width 200 ft. Reqd. Front Yd. 60 ft.	Proposed or <u>Available</u>		Variance <u>Request</u> 19,098 s.f. 44 ft. 27.83 ft. (Rt.
Reqd. Side Yd. 30 ft.	26.5 ft.		3.5 ft.

Min. Lot Width 200 ft.	156_ft	44 ft.
Reqd. Front Yd. 60 ft.	32.17/61.3 ft.	27.83 ft. (R
·.		
Reqd. Side Yd. 30 ft.	26.5 ft.	3.5 ft.
Total Side Yd. 70 ft.	n/a	-
Reqd. Rear Yd. 30 ft.	46.1 ft.	
Reqd. Street		
Frontage*n/a	_	_
Max. Bldg. Hgt. 4"/ft.nnl=8.83	18 ft. (exist)	9.17 ft.
Min. Floor Area* -	-	_
Dev. Coverage* - %	<u> </u>	- %
Floor Area Ratio** 0.5	0.09	
Parking Area 12	15	
		

300)

- * Residential Districts only
- ** No-residential districts only
- (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

prop phys and Desc area	osed ical (5) w ribe vari	the requested area variance is substantial; (4) whether the variance will have an adverse effect or impact on the or environmental conditions in the neighborhood or district; whether the alleged difficulty was self-created. Why you believe the ZBA should grant your application for an ance: add to Page 3)
(You	may	attach additional paperwork if more space is needed)
VI.	Sign (a) Sign Sign Sign Sign	2
vari sign	ance	Describe in detail the sign(s) for which you seek a , and set forth your reasons for requiring extra or over size
inc		What is total area in square feet of all signs on premises g signs on windows, face of building, and free-standing signs?
VII	(a)	Section, Table of Regs., Col

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.) (See addendum to VIII attached hereto)
(Dee addendum to VIII attached mereto)
•
IX. Attachments required: x Copy of referral from Bldg./Zoning Insp. or Planning Bd. x Copy of tax map showing adjacent properties. x Copy of contract of sale, lease or franchise agreement. x Copy of deed and title policy. x Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question. n/a Copy(ies) of sign(s) with dimensions and location. x Two (2) checks, one in the amount of \$150.00 and the second check in the amount of \$292.00 , each payable to the TOWN OF NEW WINDSOR.
x_{\perp} Photographs of existing premises from several angles.
X. Affidavit. Date: October 15, 1994 STATE OF NEW YORK)) SS.:
COUNTY OF ORANGE)
The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.
for x Charlicant)
Sworn to before me this
18th day of October, 1994. PATRICIA A. BARNHART Notery Public, State of New York No. 01BA4904434 Qualified in Orange County Commission Expires August 31, 1925

(b)	(b) Variance: Granted ()		Denied ()			
(c)	Restrictio	ns or co	onditions:			
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NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

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The parcel in question is a single-family residence which was purchased by Trifilo in 1952. The area is now zoned C, designed shopping, and is under contract for purchase by Dr. V. R. Inaganti. Dr. Inaganti, a psychiatrist, has an office at the Cornwall Hospital and proposes to purchase the Trifilo residence and transform the residence into a medical arts building with offices for three physicians. Since the zoning in this area is a C classification, a medical arts building is permitted. Applicant is seeking a change of use and in so doing, Applicant must seek the following area variances: (1) 19,098 s.f. lot area, (2) 44 ft. lot width, (3) 27.83 ft. front yard for the Route 300 side of parcel, (4) 3.5 ft. side yard variance and (5) 9.17 ft. maximum building height variance. The parcel in question is located between two streets, i.e. Temple Hill Road, a major thoroughfare, and Old Temple Hill Road.

Since this request is in the nature of area variances, the Applicant presents five specific points to explore:

- 1. The Applicant believes that if this variance is granted it will not produce an undesirable change in the character of the neighborhood or cause detriment to nearby properties since the immediate area is mostly commercial with neighboring stores such as Stewart's across the street, Spar Floor Coverings on the opposite corner from Stewart's, a car dealership, pool store and bar/restaurant, also in the immediate area on Temple Hill Road.
- 2. There is no other method that the Applicant can feasibly pursue other than the area variances sought since the building is a pre-existing condition and the proposed change of use requires all of the variances requested by Applicant.
- 3. The Applicant submits that the Board may consider some of the variances sought to be substantial but since the structure was in place before the change of zoning took place in that area of town, Applicant feels that the requested variances should be granted.
- 4. Applicant feels that the proposed variance sought will not have an adverse effect or impact on either the physical or environmental conditions in the neighborhood. The variances refer to commercial approvals and will not ultimately create an adverse effect or impact since the zoning in the area is commercial.
- 5. The Applicant's difficulties are not self-created. The applicant's residence is located in a C zone, which is a commercial designation. The area is vastly becoming totally commercial with many of the single-family residences having been sold for commercial usage.

In view of all of the facts and circumstances presented to this Board, Applicant respectfully requests that the area variances sought be granted.

LWAGANTI, MANI

MR. NUGENT: Request for 19,098 s.f. lot area, 44 ft. lot width, 27.83 ft. front yard (Rt. 300) 3.5 ft. side yard and 9.17 maximum building height for doctor's office in existing building located between Old Temple Hill Road and Temple Hill Road in C zone.

Mr. Nick Steyer of Cuomo Engineering appeared before the board for this proposal.

MR.T SEYER: You may be familiar with this site, it's directly across the street from the Stewart's curb cut down on Old Temple Hill Road. There's an existing residence there. If you open the map, you'll see it quite clearly. What the plan is for a medical arts building, he plans on having three psychiatrists to have offices in there and in addition, they all have offices in Cornwall Hospital. So they'll bounce back and forth between hospital and office. variances that we need, it's an existing non-conforming The choice actually it wasn't even a choice, Dr. Inaganti wanted to do this and it is the leasst impact according to the bulk table of any other item that we could have picked to put on this site. The variances that we require are lot area, lot width, front yard on the Route 300, side only, that is right there, that is the 32.17 feet, side yard on the south side which is 26 feet and maximum building height variance. And that's about it.

MR. LANGANKE: What's the building being used for now?

MR. STEYER: Right now, it's a residence. Mrs. Trafillo (phonetic) lives there, I don't know how many people are living there but it's a residence.

MR. TORLEY: Who is the owner?

MR. STEYER: Owner of record Mrs. Trafillo.

MR. BABCOCK: All the variances are sparked because of change of use. They are all existing.

MR. NUGENT: That is why I asked you.

MR. STEYER: The sale of this is contingent upon Planning Board approval, that is I think what you were getting at.

MR. TORLEY: Then he will need a proxy, right?

MR. STEYER: We have both proxies.

MS. BARNHART: I think it's there.

MR. LANGANKE: Is there another house closer to the corner?

MR. STEYER: This right next door is the new pool place that opened.

MR. BABCOCK: That is on the other side.

MR. STEYER: Okay, I'm switched around here. Right there is another residence here.

MR. BABCOCK: Right on the corner there's one more. Look up in the far corner just lean that up for Herb you see the next lot?

MR. LANGANKE: And there's a house there?

MR. BABCOCK: That is correct.

MR. STEYER: It's pretty hard to see. It's overgrown a little bit, in disrepair just from looking at it myself.

MR. NUGENT: Better than what's there now. Is this an allowed use?

MR. BABCOCK: Yes, it's a permitted use.

MR. TORLEY: I move we set Dr. Inaganti up for a public hearing regarding his requested variances.

MR. KANE: Second it.

ROLL CALL

MR. KANE AYE
MR. LANGANKE AYE
MR. TORLEY AYE
MR. NUGENT AYE

MR. LANGANKE: Does a person on the end know what's going on?

MR. STEYER: Probably not at this point. That is an assumption but my guess would be no, they don't know. I'm sure when they get their notice they'll probably be here.

MR. TORLEY: Do they them a favor, talk to them beforehand.

MR. KRIEGER: When you come back, if you would address yourself or whoever mdoes the presentation to the criteria set forth on that handout that would be helpful since the Zoning Board has to legally has to make their decision based on those criteria. It would also be helpful if you could give us a copy of the deed and a copy of the title policy not to keep but I just want to look at them.

MR. STEYER: Deed I have, the title policy may be hard to come by.

MR. KRIEGER: If you don't have it, that won't preclude you but if you do have it, I would want to look at it.

MS. BARHNART: We need photographs too.

MR. STEYER: Thank you.

INAGANTI, MANI

Nick Steyer of Cuomo Engineering appeared before the board for this proposal.

MR. NUGENT: Request for 19,098 s.f. lot area, 44 ft. lot width, 27.83 ft. front yard (rt. 300), 3.5 ft. side yard and 9.17 maximum building height for doctor's office in existing building located between Old Temple Hill Road nad Temple Hill Road in C zone.

This is Dr. Inaganti, he's the proposed MR. STEYER: new owner of the parcel. I'll just give you a little briefing, bring you up to date, let you know where we It's a .4 acre parcel located on the north side of Route 300 between Old Temple Hill Road and Route 300, if you are on the Old Temple Hill Road side, it's directly across from the curb cut of the new Stewart's. The variances that we're seeking tonight for lot area, lot width, front yard, side yard on the, that would be the south side or side yard on the east side of the lot, maximum building height. This is a pre-existing non-conforming lot. From the bulk table for design shopping district this use actually has less impact than any other use that we could have picked for this site.

MR. NUGENT: Is this building already there?

MR. STEYER: Yes, it is. It's a residence right now and there's people living there but we'll be renovating.

MR. NUGENT: This is Stewart's right in over here?

MR. STEYER: This is the curb cut to Stewart's and the building sits here.

MR. NUGENT: Okay.

MR. STEYER: It's pretty overgrown, I don't think it's been maintained.

MR. NUGENT: I went by looking for it, I wasn't quite sure where it was, okay.

MR. TORLEY: But you're going to have an exit out onto Temple Hill Road as well as Old Temple Hill Road?

MR. STEYER: Correct. No, I'm sorry, entrance from Temple Hill Road entrance and exit on Old Temple Hill Road, this is one way.

MR. KANE: There will be no exit on Temple Hill?

MR. STEYER: Correct.

MR. NUGENT: That is a good idea.

MR. STEYER: It's virtually impossible for somebody to come back out onto Temple Hill Road.

MR. LANGANKE: Route 300.

MR. STEYER: Much easier, right.

MR. TORLEY: Building height requirement is based upon the closest to the property line?

MR. STEYER: That is correct.

MR. BABCOCK: All these variances are based on the change of use of this building. This building is here, the lot is here, the size is here, just, you know, the size of the building is here. It's because he's changing from residential to a permitted use. Residential isn't even permitted in this zone so he's to put the right use in the right zone and like you said, it's the use that has the less impact.

MR. TORLEY: We have no problem with the developmental coverage in this zone?

MR. STEYER: No.

MR. BABCOCK: I don't think. I think that is NA zone.

MR. STEYER: It is NA, yes. There is the DeKoota (phonetic) residence, Palentine Pools, I think he does motors or something, there's a residence on this, this

is DeKoota on this side, a residence.

MR. TORLEY: They are all commercial?

MR. STEYER: Yes, I'm sure in time they probably all will.

MR. NUGENT: We also have a proxy letter from the owner on file.

MR. STEYER: I have an extra copy of this.

MR. NUGENT: All these measurements that are on here are from a C zone?

MR. BABCOCK: Yes, that is correct.

MR. NUGENT: That is what you based the denial on?

MR. BABCOCK: That is correct.

MR. NUGENT: As you can see, it's really minimal, it looks like a lot when I read it but when you look at what's proposed and what's available, it's really minimal.

MR. KRIEGER: Mr. Chairman, if I may, just so we can put it in the record, addressing my question to the building inspector, would these variances requested, what's required here and what's asked form starting with lot area?

MR. BABCOCK: It's a requirement.

MR. KRIEGER: What's required for lot area?

MR. BABCOCK: 40,000.

MR. KRIEGER: And they are looking for?

MR. BABCOCK: They have 20.

MR. KRIEGER: All right, what's required for lot width?

MR. BABCOCK: Lot width requirement is 200, they are

providing 156.

MR. KRIEGER: Front area?

MR. BABCOCK: Is required 60 and they are providing

32.1.

MR. KRIEGER: Side yard?

MR. BABCOCK: Required is 30 and proposed is 26.5.

MR. KRIEGER: Building height?

MR. BABCOCK: Required or permitted is 8.83 and they

have existing is 18.

MR. STEYER: We did some work on the Dunkin Donuts

building and the building height there was like 4 feet,

I think, something to this effect.

MR. KANE: None of the neighbors in the area have a

problem with the changes here, obviously.

MR. TORLEY: No one.

MR. KRIEGER: Let the record reflect there's only one

person in the audience.

MR. NUGENT: Let the record show that there's no one in

the audience with regard to this.

MR. KANE: I think it's pretty clear cut.

MR. TORLEY: Good use of the property.

MR. LANGANKE: I agree.

MR. TORLEY: I move we grant Dr. Inaganti his request

for variances as listed.

MR. KANE: I'll second that.

ROLL CALL

MR. KANE AYE

October 24, 1994

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MR. LANGANK
MR. TORLEY MR. LANGANKE AYE AYE MR. TOKLET
MR. NUGENT AYE

PUBLIC NOTICE OF HEARING BEFORE ZONING BOARD OF APPEALS TOWN OF NEW WINDSOR

William Klein returned anclaimed

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 34
Request of IRA D. CONKLIN & SONS
for a VARIANCE of the Zoning Local Law to permit:
construction of office and storage building in P.I. zone with less
than the allowable front yard and more than the allowable building height,
being a VARIANCE of Section <u>48-12 - Table of Use/Bulk RegsCols.</u> E,I
for property situated as follows:
East Side of River Road (across from Silver Spring Road), New Windsor,
New York 12553,
known as tax lot Section 9 Block 1 Lot 98 .
SAID HEARING will take place on the <u>24th</u> day of <u>October</u> , 19 <u>94</u> , at New Windsor Town Hall, 555 Union Avenue, New Windsor New York, beginning at 7:30 o'clock P. M.
JAMES NUGENT
Chairman

٠,

paid

THIS INDENTURE, made the 23 day of June, nineteen hundred and eightu. BETWEEN ETTA TRIFILO, residing at Old Temple Hill Road (no number), Town of New Windsor, County of Orange and State of New York,

WILLIAM J. TRIFILO and ETTA TRIFILO, husband and party of the first part, and wife, as tenants by the entirety, both residing at Old Temple Hill Road (no number), Town of New Windsor, County of Orange and State of New York.

party of the second part.

WITNESSETH, that the party of the first part, in consideration of -----TEN & 00/100=-----(\$10.00)----

lawful money of the United States, and other good and valuable consideration

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or

successors and assigns of the party of the second part forever, ALL that certain plot, piece or parcel of land, with the thuildings and timp received thereon received, situate,

lying and being in the Town of New Windson, Orange County, State of New '. York, bounded and described as follows:

BEING a strip of land 15 ft. in width and approximately 112.70 ft. in length on both sides with the westerly side being shorter than the easterly side fronting on the north by the Old Temple Hill Road and on the southerly side by the Stewart rinfield Highway, leading from Vails Gate junction to Stewart hir Force Base and adjoining on the northwesterly side the strip of land conveyed by Deed dated March 31, 1958 from Hedwig Gerdes to William J. Trifilo and Etta Trifilo and recorded in the Orange County Clerk's Office on April 3, 1958 in Liber 1458 of Deeds at page 38.

BEING a portion of the same premises described in a deed dated March 22, 1972 and recorded in the Orange County Clerk's Office on March 23, 1972 in Liber 1901 of deeds at page 834, from Hedwig Gerdes to Etta Trifilo.

Rec26/14/80 L21684428

L12294 141

FORM 561 N. Y. DRED-Full Government with Lieu Covernment (Laws of 1917, Chap. 681, Statutory Form A. Chap. 687 Laws of 1982)

TUTBLANX REGISTERED US PATOFFICE TUTTLE Law Print Publishers, Rulland H.

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.This Indontaire.

Made the

day of April, Nineteen Hundred and

Fifty-two,

William HEDWIC GERDES, residing at Vails Gate (no street or number), in the Town of New Windsor, County of Orange and State of New York, a widow,

part Y of the first part, and

WILLIAM J. TRIFILO and ETTA TRIFILO, husband and wife, as tenants by the entirety, both residing at Vails Gate; (no street or number), in the Town of New Windsor, County of Orange and State of New York,

parties of the second part,

THAT certain piece or parcel of land situate, lying and being in the Town of New Windsor, Orange County, and State of New York, bounded and described as follows, to wit:

BECINNING at a point in the center of the Washington Square-Vails Cate Road, more recently known as the Temple Hill Road, at the northeast corner of lands formerly owned by one Miller; and runs thence to and along the center of a stone wall on the northerly line of said Miller's lands South 61 degrees 31 Minutes West for 183.14 feet to the Easterly right of way line of the State Highway leading from Vails Gate Junction to Stewart Air Force Base; thence along the apparent Easterly right of way line of said State Highway North 8 degrees 00 Minutes west for 100 feet to other lands of Cerdes; thence along other lands of Cerdes North 58 Degrees 42 Minutes East for 150.07 feet to the center of the Washington Square-Vails Gate Road; thence along the same South 27 Degrees 09 Minutes East for 101.15 feet to the place of beginning.

BEING a portion of the same premises conveyed from Michael and Mary Cimorelli to Henry Gerdes by deed dated October 4, 1927 and recorded in the Orange County Clerk's Office on October 17, 1927 in Liber 680 of Deeds at Page 37, the said Henry Cerdes having died on July 26, 1934 in the County of Orange, a resident of said County, and having left a Last Vill and Testament dated July 27, 1934, thereafter duly probated in the Surrogate's Court of the County of Orange, devising and bequeathing all of his property, both personal and real, to Hedwig Cerdes, the granter herein.

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FORM 581X N. Y. DEED-Full Covenant with Lien Covenant (Laws of 1917, Chap. 681, Chap. 627, Laws of 1932)

This Indenture,

Made the 3/2 day of March,

Nineteen Hundred and. Fifty-eight,

New York, a widow.

Between HEDWIG GERDES, residing at Vails Gate (no street or number), in the Town of New Windsor, County of Orange and State of

party of the first part, and WILLIAM J. TRIFILO and ETTA TRIFILO, husband and wife, as tenants

by the entirety, both residing at Vails Gate (no street or number), in the Town of New Windsor, County of Orange and State of New York,

Witnesseth that the part y of the first part, in consideration of

lawful money of the United States, and other good and valuable consideration, paid by the parties of the second part, do es hereby grant and release unto the part ies of the second part, their heirs and assigns forever, all

THAT certain piece or parcel of land situate, lying and being in the Town of New Windsor, Orange County, State of New York, bounded and described as follows, to wit:

BEGINNING at an iron pin set in the ground on the westerly side of the Old Temple Hill Road at the northeasterly corner of lands conveyed by Hedwig Gerdes to William J. Trifilo and Etta Trifilo by deed recorded in the Orange County Clerk's Office May 3, 1952 in Liber No. 1229 at page 141.

THENCE along the northerly line of lands of William J. Trifilo and Etta Trifilo south 56° 37' West 126.70 ft. to an iron pin set in the ground on the easterly line of the Stewart Air Field highway leading from Vails Gate Junction to Stewart Air Force Base; THENCE along the aforementioned highway's easterly line north 9° - 31' west 43.60 ft. to an iron pipe set at the intersection of the said easterly line of highway and a new division line through lands of the party of the first part; THENCE along the aforementioned new division line north 59° - 18' east 112.70 ft. to an iron pin set on the westerly side of a stone wall on the westerly side of the Old Temple Hill Road; THENCE along the westerly side of the Old Temple Hill Road south 29° east 35 ft. to the point or place of beginning. Containing seventy-four one thousandths (0.074) of an acre more or less

All bearings are magnetic as of July 1957 A.D.

BEING a portion of the same premises conveyed from Michael and Mary Cimorelli to Henry Gerdes by deed dated October 4, 1927 and recorded in the Orange County Clerk's Office on October 17, 1927 in Liber 680 of Deeds at page 37, the said Henry Gerdes having died on July 28, 1934 in the County of Orange, a resident of said County, and having left a Last Will and Testament dated July 27, 1934, thereafter duly probated in the Surrogate's Court of the County of Orange, devising and bequeathing all of his property, both personal and real, to Hedwig Gerdes, the grantor herein.

150 defi

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR COUNTY OF ORANGE : STATE OF NEW YORK	_
In the Matter, of Application for Variance of	-x
Trifilo Inaganti.	
Applicant.	
Hay	AFFIDAVIT OF SERVICE BY MAIL
#94-41.	-x
	- -
STATE OF NEW YORK)) SS.:	
COUNTY OF ORANGE)	
PATRICIA A. BARNHART, being duly sworn,	deposes and says:
That I am not a party to the action, am and reside at 7 Franklin Avenue, New Windsor,	
on Ordo Div 12,1994, I compared the envelopes containing the attached Notice of P the certified list provided by the Assessor rapplication for variance and I find that the identical to the list received. I then maile U. S. Depository within the Town of New Winds	egarding the above addressees are d the envelopes in a
Patricia	a. Barnhart
Sworn to before me this 13th day of October, 1994.	
Beborah Quen Notary Public	
DEBORAH GREEN Notary Public, State of New York Oualified in Orange County	
# 4984065 Commission Expires July 15, 1995	

(TA DOCDISK#7-030586.AOS)

PUBLIC NOTICE OF HEARING BEFORE ZONING BOARD OF APPEALS TOWN OF NEW WINDSOR

Gilbert Rashbaum (Returned_ unclaimed)

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 41
Request of <u>FTTA TRIFILO/V.R. INAGANTI</u>
for a VARIANCE of the Zoning Local Law to permit:
change of use from residence to medical arts building with insufficient lot area, lot width, front yard, side yard and building height;
being a VARIANCE of Section <u>48-12-Table of Use/Bulk Regs., Cols.</u>
C, D, E, F & I,
for property situated as follows:
132 Old Temple Hill Road, New Windsor, New York 12553
known as tax lot Section 68 Block 3 Lot 2.
SAID HEARING will take place on the <u>24th</u> day of <u>October</u> , 19 <u>94</u> , at New Windsor Town Hall, 555 Union Avenue, New Windson New York, beginning at 7:30 o'clock P. M.
JAMES NUGENT
Chairman

PROXY STATEMENT

for submittal to the

TOWN OF NEW WINDSOR PLANNING BOARD

Atta bifile, deposes and says that she
resides at 132 Ald Temple Hill Coad (Owner's Address)
in the County of <u>Slange</u>
and State of New York
and that she is the owner in fee of Residence
which is the premises described in the foregoing application and that she has authorized faul the Cuomo, Englise to make the foregoing application as described therein.
Date: August 22 1994 (Owner's Signature)
(Witness' Signature)

THIS FORM $\underline{\text{CANNOT}}$ BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.

"XX"

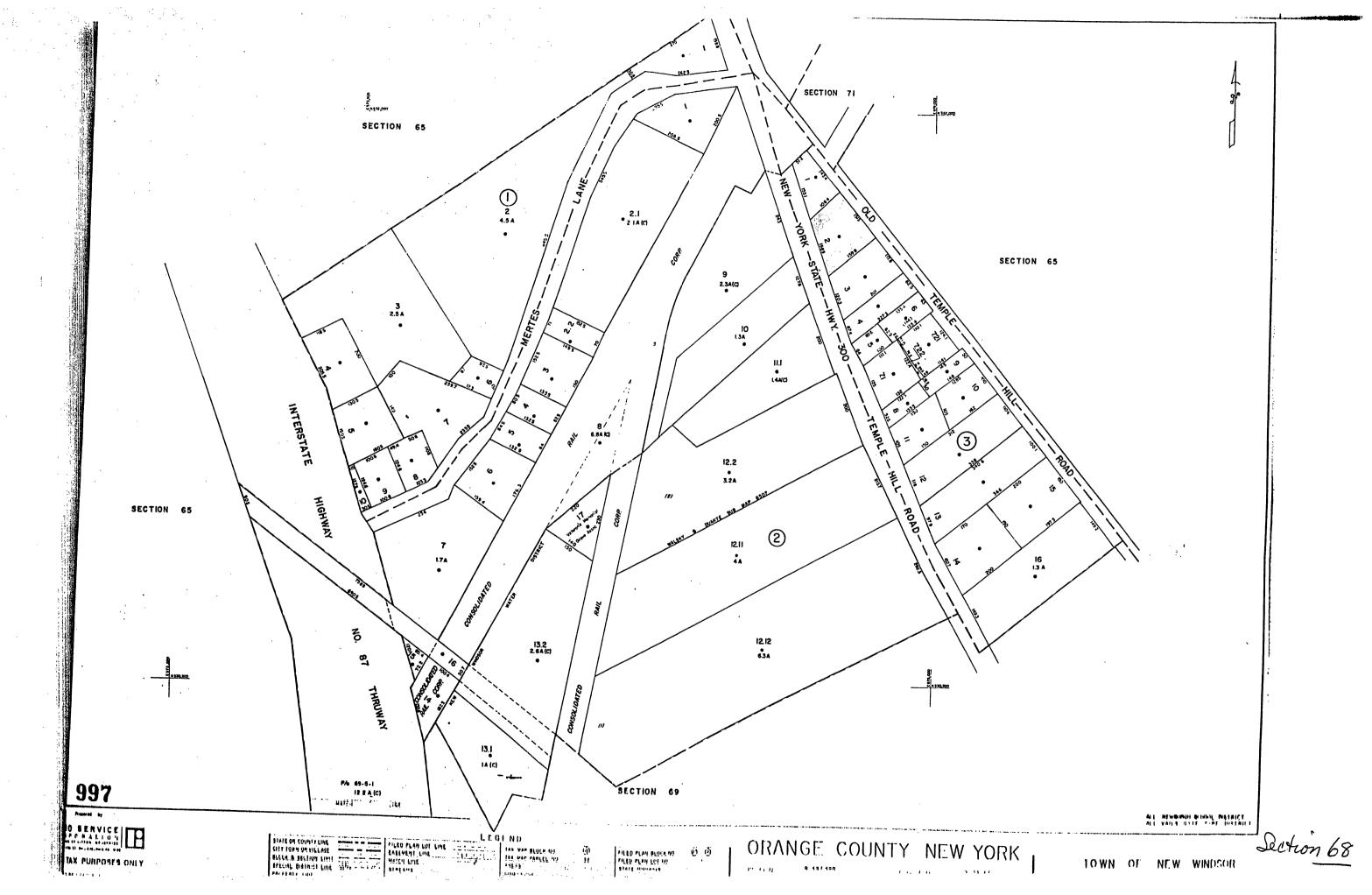
APPLICANT'S PROXY STATEMENT (for professional representation)

for submittal to the

TOWN OF NEW WINDSOR PLANNING BOARD

Maul M. TNAGANTI , deposes and says that he (Applicant)
resides at 43 Jeffer Son ST. HIGHLAND MILLS (Applicant's Address)
in the County of ORANGE
and State of New York
and that he is the applicant for the PROPOSED PSYCHIATRICS
ARTS COMPLEX AT TEMPLE HILL RD. NEW WINDSOR N.Y. (Project Name and Description)
which is the premises described in the foregoing application and
that he has authorized Coomo ENGINEERING (Professional Representative)
to make the foregoing application as described therein.
Date: 8-18-9H Mani M. Snagant. (Owner's Signature)
(Witness Signature)

THIS FORM <u>CANNOT</u> BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.



OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 94-24	DATE: 21 SEPT 94
APPLICANT: MANI INAGANTI	
43 DEPFERSINST	Ž _a .
HIGHLAND MILLS NY 10930	
PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED	18 AVGUST 1994
for (SCECENTS) SITE PLAN)	
LOCATED AT NORTH SIDE RT 300	
ZONE_	C
DESCRIPTION OF EXISTING SITE: SEC: 68 BLOCK:	3LOT:
·	
IS DISAPPROVED ON THE FOLLOWING GROUNDS:	
LOT AREA, LOT WIDTH, FRONT.	YARD (RT300)
SIDE YARD BLDG HEIGHT	

MYCHAEL BABCOCK, BUILDING INSPECTOR

REQUIREMENTS		PROPOSED OR AVAILABLE	VARIANCE REQUEST
zone \mathcal{L} use \mathcal{A}	-9		
MIN. LOT AREA $\frac{9}{2}$	60 000 SF	JD 902	19098 SP
MIN. LOT WIDTH	200 FT	156	YY PT
REQ'D FRONT YD	GO FT	32.17/61.3	27.83 FT (RT)
REQ'D SIDE YD	30 FT	26.5	3.5 FT
REQ'D TOTAL SIDE YDREQ'D REAR YD	70FT 30 PT	N/A 46,1	
REQ'D FRONTAGE	MIA		
MAX. BLDG. HT.	=T N.L.L = 8.83	18 FT (Exist)	9,17 FT
FLOOR AREA RATIO	0.5	0.09	
MIN. LIVABLE AREA	NA		
DEV. COVERAGE	N/A %	₀	oo
o/s parking spaces	12		

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

OF APPEALS.

(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

DR. INAGANTI SITE PLAN (94-24) ROUTE 300

Mr. Nick Steyer appeared before the board for this proposal

MR. PETRO: Where is this?

MR.\ STEYER: This is between Old Temple Hill Road and Temple Hill Road, right across from the new Stewart's directly across the street.

MR. PETRO: Is there a house?

MR. STEYER: It's an existing house.

MR. PETRO: Brick house?

MR. STEYER: Yes, right across from the curb cut to Stewart's.

MR. PETRO: This house I think we've seen this a couple times, to get this up to code it's going to be quite a project, the house I know it's not for us to discuss here but doctor's aware of that, I hope?

MR. STEYER: Yes, he is. We haven't started any of the building at this point so we can get site plan approval.

MR. PETRO: I have been through that house and I know it's a nice spot, just I know to get it up to commercial use is going to be extensive.

MR. LANDER: Do we have a proxy statement on file here?

MR. STEYER: I brought one with me, actually submitted two.

MR. PETRO: And we do have one on file.

....

MR. KRIEGER: What kind of doctor is this guy?

MR. STEYER: He is a psychiatrist. What the plan is for is three psychiatrists, he also has an office in Cornwall Hospital this will be his off-site office.

MR. LANDER: One floor here?

MR. STEYER: Yes, single story, what I will do is there's quite a few pre-existing non-conformities on this lot. I'm not sure if we have, if we'll be required to go to the zoning board to get variances or simply pre-existing. What they are is lot area, is lot width, front yard on the Route 300/Temple Hill Road side and side yard and maximum building height. There's parking, we're required 4 parking spaces per psychiatrist and one per treatment room, we require 15 spaces total. We provided 16 including 2 handicapped spaces. Serviced by municipal water and sewer. We just finished the lighting plan and the landscaping plan today. We're just trying to do this, find out if we're going to be required to get the variances.

MR. PETRO: Mark, just touch on, you say the creation of this lot for doctor's office requires several variances, can you just touch on which variances are going to be needed?

MR. EDSALL: Well, I believe he outlines them on the plan but one I just was speaking with Mike about is that the way the bulk table is filled out, it gives the indication that there's not a rear yard. The way the New Windsor ordinance is set up, if you have a road or a lot that has two front yards, if you have two remaining yards, one becomes a rear yard, one becomes a side yard. Generally Mike and I based on an evaluation of the intensity of the, of the two roads, decide which one's the rear yard. So make sure you adjust your table when you go to the Zoning Board. You'll have to work with us or the ZBA to decide which one you want to call rear and which one you want to call side.

MR. STEYER: One of the sides will have to be designated as a rear?

MR. EDSALL: As crazy as that sounds, it's just the way the ordinance is written. And in your case, it's unique the way is set up. As far as variances, based on a review of the table they have submitted looks as if they need area variance, width variance, front yard

variance, it will be either side yard and/or rear yard and as well building height. So there's a number of variances.

MR. PETRO: Mark, also he has some directory signs and also you're concerned with that, if it's going to meet town zoning law, if not, he should seek variances for the signs also while you're there, if that even works.

MR. EDSALL: I understand secondhand that the new sign ordinance has been adopted and filed so what we would need to do and Mike looks as surprised as I am, so we need to find out if the new ordinance is in effect or the old ordinance is in effect. Once we know which one to read, find out if what you propose as allowed. If not, you may need a sign variance. I believe the way we had the new law set up if you front on two different roads, you'd be permitted to have two signs in the new ordinance so then it becomes a question of square footage.

MR. STEYER: I can pick up the new sign ordinance from Mike, I assume?

MR. EDSALL: I would get ahold of us, we'll try to work with you on that.

MR. STEYER: Great.

MR. LANDER: Building height should be a non-issue, building's already there.

MR. BABCOCK: It's a change of use so you have to look at all of those, it shouldn't be an issue at the Zoning Board but it's something that has to be addressed.

MR. EDSALL: When the Zoning Board looks at this, they'll realize the building's already there and the use class that the applicant has chosen is one which has I believe the least bulk requirements. So no matter what you use this site for, you need variances. So I would assume that the Zoning Board will take that into account and acknowledge that they have picked probably the least intense bulk use they can have and work with them.

MR. PETRO: Let me ask the members this, aside from the zoning problems and there's quite a few comments here that Mark has to go over with the applicant, probably at the next workshop session, if he gets that far.

MR. EDSALL: Those comments are really not intended negatively, just things I want to fine tune after they are done with the Zoning Board.

MR. PETRO: Conceptually, the members, do you have a problem with that if we should take a vote and get it to the Zoning Board, if he comes back, if he has all his variances and he meets other Planning Board criteria, is there any reason we should not send him there?

MR. SCHIEFER: No, I have no problem with it.

MR. PETRO: Can we have a motion to approve?

MR. SCHIEFER: I'll make a motion we approve the Dr. Inaganti site plan.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board approve Dr. Inaganti site plan on Temple Hill Road and Old Temple Hill Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHIEFER NO MR. LANDER NO MR. PETRO NO

MR. PETRO: Once you receive the appropriate variances from the Zoning Board, we'll set you up at another workshop session for the New Windsor Planning Board and we'll review your plan again.

MR. STEYER: Very good. Can I get a copy of Mark's comments?

MR. EDSALL: Yes, here you go.

